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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,805	03/06/2002	Marion A. Keyes IV	06005/38044	8371
4743	7590 07/26/2004		EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP			BARNES, CRYSTAL J	
6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary Examinor		Application No.	Applicant(s)	- h-
Examiner Crystal J. Barnes 2121		10/091.805	KEYES ET AL.	
The MALING DATE of this communication appears on the cover shoot with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ⊥ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Elementar of time may be available under the provisors of 3 CPR 1.136(a). In no event, however, may a reply be timely liked after 50% (b) MONTHS for more hermaling date of this communication. Elementar of time may be available under the provisors of 3 CPR 1.136(a). In no event, however, may a reply be timely liked after 50% (b) MONTHS for the making date of this communication. If you have the communication of the communication. Followers by the Office information of the communication	Office Action Summary			
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-13 and 32-34, drawn to an appendable device, are classified in class 700, subclass 11.
 - II. Claims 14-32, drawn to an appendable device, are classified in class361, subclass 679.
 - III. Claims 35-44, drawn to an appendable system for controlling a process, are classified in class 700, subclass 19.
 - IV. Claims 45-52, drawn to an appendable system for use with a process, classified in class 700, subclass 17.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP \S 806.05(c)). In the instant case, the combination as

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claimed does not require the particulars of the subcombination as claimed because the appendable device (I) does not require the particular structure of the housing of the appendable device (II) in order to communicate information to another device. The subcombination has separate utility such as manufacturing an appendable device.

- 3. Inventions II and III are related as combination and subcombination.

 Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the appendable system for controlling a process does not require the particular structure of the housing of the appendable device (II) in order for a computer system to communicate with one or more appendable devices. The subcombination has separate utility such as manufacturing an appendable device.
- 4. Inventions II and IV are related as combination and subcombination.

 Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as

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claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the appendable system for use with a process does not require the particular structure of the housing of the appendable device (II) in order for a workstation to communicate with one or more appendable devices. The subcombination has separate utility such as manufacturing an appendable device.

- 5. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as communicating between a computer system and one or more appendable devices to control a process. See MPEP § 806.05(d).
- 6. Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as enabling appendable devices to communicate with other appendable devices. See MPEP § 806.05(d).



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- 7. Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as enabling appendable devices to communicate with other appendable devices. See MPEP § 806.05(d).
- 8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 9. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, III, or IV; restriction for examination purposes as indicated is proper.
- 10. A telephone call was made to Roger A. Heppermann, Reg. No. 37,641 on 16

 July 2004 to request an oral election to the above restriction requirement, but did

 not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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